

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

# IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**FIRST AMENDED MASTER  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR JURY  
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

**1. Plaintiff/Deceased Party:**

## Mary Curtis

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Charles Curtis

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

## West Virginia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## West Virginia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## West Virginia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of West Virginia

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard Inc.

## X Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

## X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

Recovery® Vena Cava Filter

G2® Vena Cava Filter

X G2® Express (G2®X) Vena Cava Filter

Eclipse® Vena Cava Filter

Meridian® Vena Cava Filter

Denali® Vena Cava Filter

Other:

11. Date of Implantation as to each product:

December 2, 2009

**12. Counts in the Master Complaint brought by Plaintiff(s):**

- X Count I: Strict Products Liability – Manufacturing Defect
- X Count II: Strict Products Liability – Information Defect (Failure to Warn)
- X Count III: Strict Products Liability – Design Defect
- X Count IV: Negligence - Design
- X Count V: Negligence - Manufacture
- X Count VI: Negligence – Failure to Recall/Retrofit
- X Count VII: Negligence – Failure to Warn
- X Count VIII: Negligent Misrepresentation
- X Count IX: Negligence Per Se
- X Count X: Breach of Express Warranty
- X Count XI: Breach of Implied Warranty
- X Count XII: Fraudulent Misrepresentation

## X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable West Virginia (insert state)  
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices

## X Count XV: Loss of Consortium

Count XVI: Wrongful Death

□ Count XVII: Survival

X Punitive Damages

Other(s): \_\_\_\_\_

Other(s): \_\_\_\_\_ (please state the facts supporting this Count in the space immediately below)

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Page 10 of 10

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Page 10 of 10

13. Jury Trial demanded for all issues so triable?

X Yes

□ No

1 RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of March, 2019.

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19 *Attorneys for the Plaintiff*

20 I hereby certify that on this 6<sup>th</sup> day of March, 2019, I electronically transmitted  
21 the attached document to the Clerk's Office using the CM/ECF System for filing and  
22 transmittal of a Notice of Electronic Filing.

23 /s/ Monte Bond

24 /s/ Jessica Glitz